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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,374	08/05/2003	Naoshi Kobuya	SONYJP 3.0-318	6926
530	7590	02/28/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,374

Applicant(s)

KOBUYA ET AL.

Examiner

Tuan C To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 13-18 and 24-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 8 and 19 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aburai et al. (US 20020090953A1) and in view of Murray (US 20020123329A1).

With respect to claim 8, Aburai et al. disclose a mobile communication unit (104) from which the position information on the unit is acquired in the form of latitude and longitude (Aburai et al., figure 1, mobile communication device 104). The mobile communication device (104) is equipped with a GPS so that said device is capable of acquiring the position information (Aburai et al, page 6, paragraph 0041, paragraph 0042). Referring to figure 5 of Aburai et al, a plurality of measured position are measured, each of a plurality of the measured positions is measured at which the measured time is acquired (Aburai et al, figure 5, see the data in the last two columns of the table). The positional information and the time are both stored in the database (206).

However, Aburai et al. is missing to mention a measured time acquisition means for acquiring a measured time at which each of said measured positions is acquired by said measured position acquisition means.

The secondary reference to Murray has been as teaching a wireless communication device (30), as shown in figure 1, is a portable device, comprising a GPS receiver (76) for determining the current position of the device, and the clock (72) for providing timing for the processor (78) and providing a source for timing (Murray, page 3, paragraph 0032).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Aburai et al. to include the teaching of Murray so that the user who use the device as a navigation device can be able to accurately figure out the distance and time from the current position to a destination.

With respect to claim 19, Aburai et al. disclose a method for a mobile communication unit (104), in which the position information on the unit is acquiring the positional data such as the latitude and longitude (Aburai et al., figure 1, mobile communication device 104). The mobile communication device (104) is equipped with a GPS for performing the act of acquiring the position information (Aburai et al, page 6, paragraph 0041, paragraph 0042). Referring to figure 5 of Aburai et al, a plurality of measured position are measured, each of a plurality of the measured positions is measured at which the measured time is acquired (Aburai et al, figure 5, see the data in the last two columns of the table). The positional information and the time are both stored in the database (206).

Aburai et al. do not disclose the following: "acquiring a measured time at which each of the measured positions is acquired"

The secondary reference to Murray has been as teaching a wireless communication device (30), as shown in figure 1, is a portable device, comprising a GPS receiver (76) for determining the current position of the device, and the clock (72) for providing timing for the processor (78) and providing a source for timing (Murray, page 3, paragraph 0032).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Aburai et al. to include the teaching of Murray so that the user who use the device as a navigation device can be able to accurately figure out the distance and time from the current position to a destination.

Allowable Subject Matter

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After searching some of the classification areas that are relevant to the subject matter of claims 8-12, and 19-23, the examiner has found none of the references teaches or suggests the limitations of claims 9-12, and 20-23.

Thus, claims 11, 12, 22, and 23 are set in a condition for allowance.

Claims 9, 10, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

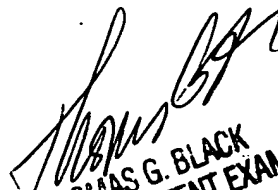
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/tc

February 15, 2005


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 7600